

MAR 12 1993

HRE-8J

Victor P. Windle, Chief
Plan Review and Permit Section
Solid and Hazardous Waste Management
Indiana Department of
Environmental Management
105 South Meridian Street
Indianapolis, Indiana 46206-6015

949404

Re: Phase II: Revised Site Assessment Plan
U.S.S. Lead Refinery, Inc.
East Chicago, Indiana
IND 047 030 226

Dear Mr. Windle:

The United States Environmental Protection Agency (U.S. EPA) has received and reviewed U.S.S. Lead Refinery, Inc.'s (USS Lead) Phase II Site Assessment Plan (SAP) dated December 1992. U.S. EPA's review of the SAP focused on the portions of the plan addressing information relating to the Resource Conservation Recovery Act (RCRA) Corrective Action at and from the facility. The objective of the review was to determine if the activities outlined in the SAP are adequate to address requirements of RCRA Corrective Action at the facility.

While we endorse the closure activities required in the Partial Interim Agreed Order in Cause No. N-296, Indiana Department of Environmental Management v. U.S.S. Lead Refinery, Inc., and discussed in the SAP, the U.S. EPA has determined that the activities described in the SAP are inadequate to address the requirements of the RCRA Corrective Action process at and from the facility. Specifically, the site assessment activities described as "a RCRA Facility Investigation" in the SAP are incomplete, vague, and lack sufficient technical and scientific justification for many of the site assessment activities and conclusions presented in the SAP.

On February 3, 1993, U.S. EPA representatives, Mr. Thad Slaughter, Office of RCRA, and Mr. Fred Micke, Office of Superfund, met with U.S.S. Lead's representative, Dr. John Birchett, Mining Remedial Recovery Company, Tucson, Arizona to discuss the present status of the closure and site assessment activities at the site. Dr. Birchett was told that the SAP is inadequate in addressing the requirements of the corrective action components and provide general deficiencies of the SAP relating to the site activities. After the review of U.S. EPA's assessment of the site activities described in the SAP,

Dr. Birchett agreed in principle with U.S. EPA that the site assessment activities were deficient in addressing RCRA Corrective Action requirements.

In addition, U.S. EPA noted that since the site assessment activities, as presently described in the SAP, are not adequate to address RCRA Corrective Action at and from the facility, we will encourage U.S.S. Lead to participate in negotiating a Consent Decree to address RCRA Corrective Action. Dr. Birchett indicated that he would recommend to U.S.S. Lead representatives that a Consent Decree be negotiated with U.S. EPA to address RCRA Corrective Action. U.S. EPA assured Dr. Birchett that activities required by IDEM's Agreed Order and activities negotiated with U.S. EPA would be coordinated. U.S. EPA is presently waiting for a formal response from U.S.S. Lead representatives.

If you should have any questions regarding this matter, please contact Mr. Thad Slaughter, of my staff, at 6-4460.

Sincerely yours,

Susan Sylvester, Chief
IL/IN Technical Enforcement Section

cc: Thomas Linson, IDEM

bcc: Fred Micke, HSRL-6J
Bret Warner, CS-3T

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